



General Assembly

February Session, 2020

Raised Bill No. 5392

LCO No. 2019



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE IMPOSITION OF PENALTIES FOR
REPEATED VIOLATIONS OF MUNICIPAL REGULATIONS OR
ORDINANCES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-12 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) If any building or structure has been erected, constructed, altered,
4 converted or maintained, or any building, structure or land has been
5 used, in violation of any provision of this chapter or of any bylaw,
6 ordinance, rule or regulation made under authority conferred hereby,
7 any official having jurisdiction, in addition to other remedies, may
8 institute an action or proceeding to prevent such unlawful erection,
9 construction, alteration, conversion, maintenance or use or to restrain,
10 correct or abate such violation or to prevent the occupancy of such
11 building, structure or land or to prevent any illegal act, conduct,
12 business or use in or about such premises. Such regulations shall be
13 enforced by the officer or official board or authority designated therein,
14 who shall be authorized to cause any building, structure, place or

15 premises to be inspected and examined and to order in writing the
 16 remedying of any condition found to exist therein or thereon in violation
 17 of any provision of the regulations made under authority of the
 18 provisions of this chapter or, when the violation involves grading of
 19 land, the removal of earth or soil erosion and sediment control, to issue,
 20 in writing, a cease and desist order to be effective immediately. The
 21 owner or agent of any building or premises where a violation of any
 22 provision of such regulations has been committed or exists, or the lessee
 23 or tenant of an entire building or entire premises where such violation
 24 has been committed or exists, or the owner, agent, lessee or tenant of
 25 any part of the building or premises in which such violation has been
 26 committed or exists, or the agent, architect, builder, contractor or any
 27 other person who commits, takes part or assists in any such violation or
 28 who maintains any building or premises in which any such violation
 29 exists, (1) shall be fined not less than ten dollars or more than one
 30 hundred dollars for each day that such violation continues; but, (2) if the
 31 offense is wilful, the person convicted thereof shall be fined not less than
 32 one hundred dollars or more than two hundred fifty dollars for each day
 33 that such violation continues, or imprisoned not more than ten days for
 34 each day such violation continues not to exceed a maximum of thirty
 35 days for such violation, or both; and the Superior Court shall have
 36 jurisdiction of all such offenses, subject to appeal as in other cases.

37 (b) Any person who, having been served with an order to discontinue
 38 any such violation, fails to comply with such order within ten days after
 39 such service, or having been served with a cease and desist order with
 40 respect to a violation involving grading of land, removal of earth or soil
 41 erosion and sediment control, fails to comply with such order
 42 immediately, including any person who initially complies with such
 43 order, but who subsequently engages in conduct that constitutes a
 44 violation of such order, or continues to violate any provision of the
 45 regulations made under authority of the provisions of this chapter
 46 specified in such order shall be subject to a civil penalty not to exceed
 47 [two] five thousand five hundred dollars, payable to the treasurer of the
 48 municipality. In any criminal prosecution under this section, the

49 defendant may plead in abatement that such criminal prosecution is
 50 based on a zoning ordinance or regulation which is the subject of a civil
 51 action wherein one of the issues is the interpretation of such ordinance
 52 or regulations, and that the issues in the civil action are such that the
 53 prosecution would fail if the civil action results in an interpretation
 54 different from that claimed by the state in the criminal prosecution. If
 55 the court renders judgment for such municipality and finds that the
 56 violation was wilful, the court shall allow such municipality its costs,
 57 together with reasonable attorney's fees to be taxed by the court. The
 58 court before which such prosecution is pending may order such
 59 prosecution abated if it finds that the allegations of the plea are true.

60 Sec. 2. Subsection (b) of section 51-164n of the 2020 supplement to the
 61 general statutes is repealed and the following is substituted in lieu
 62 thereof (*Effective October 1, 2020*):

63 (b) Notwithstanding any provision of the general statutes, any person
 64 who is alleged to have committed (1) a violation under the provisions of
 65 section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-
 66 393, [8-12] subdivision (1) of subsection (a) of section 8-12, as amended
 67 by this act, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230,
 68 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision
 69 (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section
 70 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-
 71 115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or
 72 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-
 73 292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c,
 74 subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection
 75 (d) of section 14-12, section 14-20a or 14-27a, subsection (f) of section 14-
 76 34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58,
 77 subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g)
 78 of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
 79 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first
 80 violation as specified in subsection (f) of section 14-164i, section 14-219
 81 as specified in subsection (e) of said section, subdivision (1) of section
 82 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-

83 261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or
84 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-
85 296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or
86 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-
87 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,
88 section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section
89 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-
90 131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section
91 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-
92 222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-
93 336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-
94 231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334, 20-
95 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48,
96 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section
97 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-
98 25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
99 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-
100 85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
101 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-
102 16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c,
103 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of section 22-84, section 22-
104 89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a,
105 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-
106 344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-
107 246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h,
108 section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e,
109 section 22a-449, 22a-461, 23-38, 23-46 or 23-61b, subsection (a) or
110 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,
111 subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-
112 21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59,
113 subdivision (1) of subsection (d) of section 26-61, section 26-64,
114 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,
115 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138
116 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-
117 217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230,

118 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-
 119 294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d),
 120 (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1)
 121 of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of
 122 section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-
 123 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-
 124 32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54,
 125 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,
 126 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
 127 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-
 128 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section
 129 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199,
 130 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-
 131 321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or
 132 section 53-450, or (2) a violation under the provisions of chapter 268, or
 133 (3) a violation of any regulation adopted in accordance with the
 134 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any
 135 ordinance, regulation or bylaw of any town, city or borough, except
 136 violations of building codes and the health code, for which the penalty
 137 exceeds ninety dollars but does not exceed two hundred fifty dollars,
 138 unless such town, city or borough has established a payment and
 139 hearing procedure for such violation pursuant to section 7-152c, shall
 140 follow the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2020	8-12
Sec. 2	October 1, 2020	51-164n(b)

Statement of Purpose:

To improve a municipality's code enforcement provisions and reduce the number of repeat offenders.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]